IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.NO.5085 OF 2021

Lakshmi ... Petitioner

Vs.

1. The Tahsildar,
   Vandalur Taluk,
   Chengalpattu Taluk - 603 302.

2. D.Nandagopal ... Respondents

Prayer :
Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to take immediate steps to survey the schedule mentioned property, viz., all that piece and parcel of the land, building and shop bearing Plot No.8 admeasuring to an extent of 3225 sq.ft., comprised in Old Survey No.153/3 and New Subdivision Survey No.153/3A1B, situated at Kaniappa Nagar, Guduvancherry Villagem, Nandhivaram - Guduvancherry Village Panchayat, Vandalur Taluk (Previously Chengalpattu Taluk), Chengalpattu District (Previously Kancheepuram District), within the Sub-Registration Office of Guduvancherry and Registration District of Chennai South and Kattankolathur Panchayat Union Limits, and issue a survey report within a fixed period of time.

For Petitioner : Mr.I.Prakash Raj

For R1 : Mr.S.Kamalesh Kannan
Government Advocate

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O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner claims to be a senior citizen and claims to have purchased a landed property, admeasuring an extent of 3225 sq.ft. or 3 Ares, comprised in Survey No.153/3, through a registered sale deed bearing Document No.9079/1985, dated 05.12.1985. The petitioner would further aver that the

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2nd respondent bought the land admeasuring an extent of 5400 sq.ft. or 5 Ares, comprised in Survey No.153/3, by way of registered settlement deed, dated 23.11.2017, bearing Document No.12255/2017, from his father Mr.G.Dhamoodaran and he is in possession and enjoyment of the property. It is further stated by the petitioner that the entire extent of land comprised in Survey No.153/3 is totally 8 Ares and the same is divided into two parts in the FMB Sketch as 153/3A1A and 153/3A1B and the property in New Survey No.153/3A1A for an extent of 5 Ares was allotted in favour of the 2nd respondent and he is also having patta bearing No.8021 and the petitioner is having patta bearing No.1428 in respect of the land in New Survey No.153/3A1B for an extent of 2.50 Ares. It is the claim of the petitioner that, in the patta, instead of stating as "3 Ares", it has been wrongly stated as "2.50 Ares" and therefore, she lost the land admeasuring an extent of 538 sq.ft. or 0.50 Ares, and in this regard, she has immediately contacted the 1st respondent to cause survey and inspection, vide application dated 20.07.2020, and the same is pending. Despite a lapse of nearly 8 months and odd, the 1st respondent did not care to visit and survey and inspect the land.

2.It is the specific case of the petitioner that, taking advantage of the said mistake/error crept in, the 2nd respondent started encroaching upon her land and started constructing a shopping complex, and therefore, the petitioner came forward to file this writ petition for a direction directing the 1st respondent to survey the schedule mentioned property and issue a survey report within a stipulated time.

3.Heard the submissions of the learned counsel appearing for the petitioner. Mr.S.Kamalesh Kannan, learned Government Advocate, appearing on behalf of the 1st respondent, would submit that, if the 1st respondent did not take any action, it is always open to the petitioner to approach the higher officials for redressal of her grievance, and further points out that the issues urged by the petitioner involve adjudication of disputed question of facts, and hence, prays for dismissal of the writ petition.

4.During the course of arguments, it is brought to the knowledge of this Court by the learned Government Advocate appearing for the 1st respondent that there is a helpline, viz., "Chief Minister's Toll Free No.1100" with SMS facility, and e-mail, i.e. cmhelpline@tn.gov.in is available, and that apart, a Twitter page is also available, and it is also open to the petitioner to avail the said facilities also.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

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6.It is the specific case of the petitioner that the 2nd respondent, taking advantage of the wrong extent of land given in the patta, trespassed upon her land and started putting up unauthorised construction, and therefore, the petitioner, in this regard, has also submitted a representation, dated 20.07.2020, to the 1st respondent to survey and measure the land and claims to have paid the necessary fees.

7.It is to be noted at this juncture that, whenever the applications filed before the Revenue officials are not disposed of within time, the tendency is to approach this Court immediately without exhausting the other remedies in the form of appeal/revision before the Revenue Divisional Officer or District Revenue Officer or District Collector. At the same time, it is also to be pointed out at this juncture that, in the light of the time limit given in the "e-Seva" floated by the Government, it is obligatory on the part of the concerned officials to dispose of the representations within the stipulated time, however, it is hardly done, and therefore, this Court is flooded with these kind of writ petitions and is forced to spend considerable time in these kind of matters.

8.This Court has taken note of the submissions made by the learned Government Advocate as to the "CM Toll Free No.1100" and other connected facilities and grants liberty to the petitioner to approach the higher officials as to the alleged inaction on the part of the 1st respondent for not taking any steps with regard to the application, dated 20.07.2020, for survey, measurement and inspection, and that apart, she is also at liberty to lodge her complaint through the "CM Toll Free No.1100" and other allied facilities. The provisions of the Right to Information Act, 2005 is also available to the petitioner to know about the fate of her representation, and as such, this Court is not inclined to entertain this writ petition.

In the result, this writ petition is dismissed and the petitioner is at liberty to avail the above said alternative remedies. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The District Collector,
   Chengalpattu District,
   Chengalpattu.

2. The Tahsildar,
   Vandalur Taluk,
   Chengalpattu Taluk - 603 302.

W.P.No.5085 of 2021

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